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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

CORAM : HON'BLE SHRI S.R. NAYAK, CJ &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

WRIT PETITION NO. 1041/2001

PETITIONERS

1) State of Chhattisgarh through The Secretary, Public Health & Family Welfare Deptt. D.K. Bhawan, Mantralaya, Raipur.

2) Joint Director, Health Services, Division Raipur.

3) Division Officer, Ayurved Division, Raipur.

4) The Collector, Raipur.

5) The Commissioner, Health Services, Division Raipur, Raipur (Chhattisgarh).

Versus

RESPONDENTS

1) Dr. Virendra Kumar Dubey, Ayurved Chkitsa Adhikari, S/o. Shri Gajanand Dubey, Govt. Ayurved Hospital, Chhatera, Village Chhatera, Block Arang. Dist. Raipur (Chhattisgarh).

3) The Administrative Tribunal, Raipur Bench, Raipur (Chhattisgarh).

PRESENT:

Shri Utkarsh Verma, Dy. Govt. Advocate for the petitioners/State.

Shri Y.C. Sharma, Counsel for the respondents

ORAL ORDER
(Passed on 16th November, 2006)

The following oral order of the Court was passed by S.R. Nayak, C.J.

For more than one reason this writ petition, filed by the State and its authorities, is liable to be dismissed *in limine.*

We have perused the impugned order of the Madhya Pradesh Administrative Tribunal, Raipur Bench (for short, "the Tribunal"). It appears that first respondent, Dr. Mahesh Chandrakar and Dr. Yusuf Khokhar were appointed as Sahayak Ayurved Chikitsa Adhikari. It appears that the pay scale admitted to Dr. Mahesh Chandrakar and Dr. Yusuf Khokhar was denied to the first respondent on the ground that whereas Dr. Mahesh Chandrakar and Dr. Yusuf Khokhar had obtained AVMS Degree, the first respondent did not produce the certificate of AVMS Degree. In the circumstance, Original Application No.234 of /99 was instituted before the Tribunal seeking parity pay scale. Before the Tribunal, first respondent produced the certificate of AVMS degree as Annexure A/8. The Tribunal having perused Annexure A/8 and holding that the first respondent too has obtained AVMS Degree and, therefore, qualified to be appointed as Sahayak Ayurved Chikitsa Adhikari, allowed application of the first respondent and directed that the respondents to extend the pay scale granted to his colleagues to the first respondent also, by its order dated 28/02/2001. Hence, this petition.

We have heard learned counsel for the parties. We do not find any merit in the writ petition. 'Likes should be treated alike' is mandate of Article 14 of the Constitution and the integral part of the principle of fairness. It is now satisfactorily proved that Dr. Mahesh Chandrakar and Dr. Yusuf Khokhar and the first respondent have obtained AVMS Degree and all of them are appointed to the post of Sahayak Ayurved Chikitsa Adhikari and, therefore, they should be treated alike. The discrimination earlier made by the department was hit by Article 14 postulates and could

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not be sustained and, therefore, in our considered opinion, the Tribunal was fully justified in directing the extension of the pay scale extended to the first respondent's colleagues to the first respondent also. The writ petition is, therefore, dismissed. No costs.

Sd/-
V.K. Shrivatava
Judge

Sd/-
Chief Justice

Raju